

## REMARKS

In accordance with the foregoing, claims 1 and 28 have been amended. Claims 1, 3, 4, 6, 7 and 28 are pending and under consideration. No new matter is included in this amendment.

### Claim Objections:

At page 3 of the Office Action, the Examiner objects to claims 1 and 4 because of informalities. As to the objection concerning "data base," claim 1 has been amended to read --database--. As to the objection regarding the phrase "recordable disc" in claim 4, it is noted that the original claim 4 included the phrase "recordable disc;" however, claim 4 was amended on December 30, 2004 to recite "recorded in a recordable region of the optical disc." It is respectfully requested that these objections be withdrawn.

### The 35 U.S.C. §112, Second Paragraph Rejection:

At page 3 of the Office Action, claims 1, 3 and 28 are rejected under 35 U.S.C. §112, second paragraph. Claim 1 has been amended as set forth above to replace the phrase "first data" with --initial data--. As set forth in claim 1 after "wherein," the initial data is further explained. That is, "the initial data of the database is recorded in a read only region of the optical disc, prior to a first access of the server by the user computer and the modified/updated data for the initial data of the database transmitted from the server is recorded in a recordable region of the optical disc." It is respectfully requested that this rejection be withdrawn.

Claim 28 has been amended to recite: "maintaining update data for the data base corresponding to a second date and time when the data base was updated on a server." In regard to the Examiner's question, "How is the 'update data' related to the first date and time and the second date and time?" This relationship is clearly set forth in the claim taken as a whole. In the paragraphs following the paragraph beginning with "maintaining," the paragraph about which the Examiner has a question, the claim further recites: "comparing the first date and time" (*first date and time* having antecedent basis in the first paragraph following the preamble of claim 28) "with the second date and time" (*second date and time* having antecedent bases in the paragraph beginning with "maintaining" and a relationship between *first date and time* and *second date and time* is further explained in the phrase "transmitting the update data and the second date and time to the user computer if the second date and time is later than the first date and time." It is respectfully submitted that these portions of claim 28 clearly set forth the

answers to the Examiner's question and it is respectfully requested that this rejection be withdrawn.

**The First 35 U.S.C. §103(a) Rejection:**

At page 4 of the Office Action, claims 1, 4, 6 and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,644,782 to Yeates et al. in view of U.S. Patent 5,751,997 to Kullick et al.

Yeates et al. do not disclose that "the user computer comprises an optical disc recording/reproducing apparatus which records data in or reproduces data from an optical disc, in which a database and a date and time of a last update of the database are recorded, and which is programmed to transmit the date and time of the last update to the server and to record modified/updated data for initial data of the database, which is transmitted from the server, on the optical disc; and the server is programmed to determine if modification/update of the database recorded on the optical disc is needed based on the transmitted date and time, and to transmit the modified/updated data to the optical disc recording/reproducing apparatus, wherein: the initial data of the database is recorded in a read only region of the optical disc prior to a first access of the server by the user computer and the modified/updated data for the initial data of the database transmitted from the server is recorded in a recordable region of the optical disc," as recited in claim 1.

A clear advantage of the present invention, as recited in claim 1, is that by storing initial data and updated/modified data on the same optical disc, the disc and consequently the completed updated database including original or first data and the updated/modified data can easily be moved to another computer without multiple operations to also move the modified/updated data.

Yeates et al. disclose a computer having a CD-ROM drive 112 for accepting one or more CD ROMs 114. In another embodiment, Yeates et al. discloses a memory device 274 (CD-ROM) which generally contains primary data, i.e., reference data which is not ordinarily modifiable. (Col. 2, lines 56-58).

In Yeates et. al., the data storage system 270 has a read only memory device 274 and a read-write auxiliary memory device 276. That is, the read only memory device 270 and the read-write auxiliary memory device 276 are separate entities, one of which (274) is a CD-ROM or an

EEPROM which "generally contains primary data, i.e., reference data which is not ordinarily modifiable," (col. 2, lines 56-58) and the other of which (276) is described as "a computer hard disk having a number of selectable storage areas."

In Yeates et al., the "reference data not ordinarily modifiable" is stored on the CD-ROM and the modified/updated data is stored on the computer hard disk, whereas in claim 1, as amended, "the initial data of the database is recorded in a read only region of the optical disc prior to a first access of the server by the user computer and the modified/updated data for the initial data of the database transmitted from the server is recorded in a recordable region of the optical disc."

Further, at page 5 of the Office Action, the Examiner states that "Yeates [et al.] "[do] not specifically teach [a recitation including some features of applicants' claim 1 but having omissions which change the meaning of applicants' claim 1]. For example, the Examiner's recitation indicates that the optical disc is programmed to transmit a date and time rather than the computer as recited in claim 1.

The Examiner admits that Yeates et al. do not disclose all of the features recited in claim 1 and proposes to combine Kullick et al. with Yeates et al. A person of ordinary skill in the art at the time the invention was made would not have been motivated to combine Kullick et al. with Yeates et al. for at least the following reasons.

Yeates et al. do not include an optical disc in which "initial data of the database is recorded in a read only region of the optical disc prior to a first access of the server by the user computer" and in which "to record the modified/updated data for the initial data of the database transmitted from the server" as recited in claim 1. Kullick et al. is directed to backing up multiple computers 18 to centralized mass storage devices 14 and 16 on a regular basis without significant user interaction.

Although Kullick et al. and Yeates et al. each mention some form of optical disc (or disk) within the respective disclosures, the optical disc unit 19b shown in FIG. 1 of Kullick et al. is remote from the computer devices 18 and is controlled by a secondary storage device 16 and not by one of the computer devices 18. Kullick et al. do not provide modified/updated data to the computers devices 18.

In view of the disclosure of Kullick et al. as a whole, the only data which either the primary storage devices 14 or the secondary storage device 16 would be expected to provide to

a computer device 18 would be data which had been backed up from the computer 18. Thus, Kullick is backing up the computer device 18 and not updating the computer 18 with "modified/updated data for the initial data of the database" as recited in claim 1.

Although Kullick et al. mentions storing data on the primary storage device 14 in association with a "date last modified" field, it is the primary storage device 14 which, as a part of initiating the backup of computer 18, sends a date last modified to the computer 18 to determine files to be backed up. In Kullick et al., the computer 18 does not send a date last modified to the primary storage device 14 to request modified/updated data from the primary storage device 14.

A clear advantage of the present invention, as recited in claim 1, is that by storing the initial data of the database and updated/modified data for the initial data of the database on the same optical disc, the disc and consequently the complete updated database including original or first data and the updated/modified data can easily be moved to another computer without multiple operations to also move the modified/updated data.

Claims 3, 4, 6, 7 and 28 are deemed to be patentable at least for similar reasons set forth above regarding claim 1

**The Second 35 U.S.C. §103(a) Rejection:**

At page 9 of the Office Action, claims 3 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,644,782 to Yeates et al. in view of U.S. Patent 5,751,997 to Kullick et al. and further in view of U.S. Patent 6,032,130 to Alloul et al. Claims 3 and 7 are deemed to be patentable at least for similar reasons set forth above regarding claims 1 and 4, respectively.

**Conclusion:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

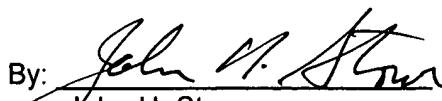
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 1/17/06

By:   
John H. Stowe  
Registration No. 32,863

1400 Eye St., NW  
Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510